

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BOSTON COMMON MORTGAGE, INC.,	)	
Plaintiff,	)	
	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 16-40122-DHH
VERIZON COMMUNICATIONS INC.	)	
Defendant.	)	
_____	)	

**REPORT AND RECOMMENDATION**

**December 6, 2016**

Hennessey, M.J.

On August 31, 2016, Plaintiff Boston Common Mortgage Incorporated filed this suit *pro se* against Defendant Verizon Communications Incorporated.<sup>1</sup> (Docket #1). On September 30, 2016, the court scheduled a status conference for October 14, 2016. (Docket #9). The Plaintiff failed to appear.

On October 16, 2016, the court issued an order requiring Plaintiff, by November 4, 2016, to either voluntarily dismiss its suit or retain counsel and have counsel file a notice of appearance. (Docket #11). The court explained that a corporation may not appear *pro se*; they may be represented only by licensed counsel, LR, D. Mass 83.5.5(c); In re Victor Publishers, Inc., 545 F.2d 285, (1st Cir. 1976), and noted that, pursuant to Local Rule 83.5.5(c), the court may strike any pleading filed on behalf of any entity purporting to proceed *pro se*. The court

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<sup>1</sup> The Complaint is signed by Derrick Daniel Szklarz, the President of Boston Common Mortgage Incorporated. (Docket #1 at 2).

warned that failure to comply with the order would result in the undersigned recommending dismissal of the case.

The clerk's office sent the order certified mail that same day. A return receipt shows delivery on October 19, 2016. (Docket #12). Plaintiff has neither dismissed its suit nor retained counsel. Therefore, I hereby direct the clerk to reassign this case to a district judge and RECOMMEND that the case be DISMISSED.

/S/ David H. Hennessy

David H. Hennessy

UNITED STATES MAGISTRATE JUDGE